



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,588	10/02/2003	Jingrui Wu	38-15(52578)C	7647
66057 7590 03/18/2008 MONSANTO COMPANY (A&P) 800 N. LINDBERGH BOULEVARD MAIL ZONE E2NA ST. LOUIS, MO 63167				
EXAMINER				
KUMAR, VINOD				
ART UNIT		PAPER NUMBER		
1638				
MAIL DATE		DELIVERY MODE		
03/18/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application Number**Application/Control No.**

10/678,588

**Applicant(s)/Patent under
Reexamination**

WU ET AL.

Examiner

VINOD KUMAR

Art Unit

1638

Advisory Action
After the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/678,588	WU ET AL.	
Examiner	Art Unit	
VINOD KUMAR	1638	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 25 April 2007 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The reply filed is not entered because claims under appeal contain non-elected SEQ ID NOs. which must be cancelled. Applicant is reminded that SEQ ID NOs: 2-3, 6-7, 9, and 10 were withdrawn from examination and the restriction was made Final in the Office action mailed on 12/29/2005. 37 CFR 1.144: MPEP § 821.01.

/Phuong T. Bui/
Primary Examiner, Art Unit 1638